

REMARKS/ARGUMENTS

Applicants submit the aforementioned amendments in response to the Office Action mailed June 27, 2006.

A Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) is simultaneously submitted herewith.

A Terminal Disclaimer To Obviate A Double Patenting Rejection Over A "Prior" Patent is also simultaneously submitted herewith.

Claims 1-14 and 17-18 have been cancelled.

Claim 15 has been amended.

Claims 15-16 and 19-23 are pending.

Reconsideration is respectfully requested in view of the above amendment and the following remarks.

Rejection under 35 USC 112, second paragraph

The Examiner rejects claims 15-23 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the phrase "substantially unincorporated within the liposome" in the independent claim 15 is indefinite as considered by the Examiner. Applicants have deleted such phrase following the Examiner's direction. Accordingly, the rejection under 35 USC 112, second paragraph, has been overcome and should be withdrawn.

Nonstatutory obviousness-type double patenting rejection

Applicants, through their attorney, submit herewith a terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d), to overcome the double patenting rejection.

Rejection under 35 USC 103(a)

The Examiner rejects claims 15-16, and 19-23 under 35 USC 103(a) as being obvious over either JP08231417 or Maintani in view of Collins et al (5,874,075). Applicants have

amended claim 15 by incorporating claim limitations of claims 17 and 18 (which the Examiner does not object). Accordingly, the rejection under 35 USC 103(a) has been overcome and should be withdrawn.

Allowance of the amended claims is respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By: /Yunling Ren/____
YUNLING REN
Reg. No. 47,019

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-3385
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Customer No.: 27777
Epm